

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

G&E HC REIT II LAFAYETTE	*	CASE NO. 6:20-cv-01353
REHABILITATION HOSPITAL, LLC	*	
	*	
VERSUS	*	JUDGE ROBERT R. SUMMERHAYS
	*	
LAFAYETTE PHYSICAL REHABILITATION	*	MAGISTRATE JUDGE CAROL B.
HOSPITAL, LLC, ET AL.	*	WHITEHURST

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**DEFENDANTS' AND COUNTER-CLAIMANT'S**  
**MOTION TO EXTEND DEADLINE TO SUBMIT EXPERT REPORT**

NOW INTO COURT come defendants, Norman Anseman, Jorge Belgodere-Bonilla, Roderick Clark, Jaime Cordova-Delahoz, Federico Del Toro, Daniel Dunlap, Akshey Gupta, Ernest Kinchen, Thomas Laborde, Lafayette Physical Rehabilitation Hospital, LLC, Maximo Lamarche, Bryan Lebean, Fabian Lugo-Gutierrez, James Mwatibo, Hector Robles, Carolyn Smith, Steven Snatic, Kenneth Spiller, and Clinton Young (“defendants”), and Kenneth Spiller as counter-claimant (“counter-claimant”), through undersigned counsel, and pursuant to F.R.C.P. 6(b), move the Court to extend the deadline by which to provide expert reports to the Plaintiff pursuant to this Court’s Scheduling Order (Doc. #23) as modified by this Court’s Order of July 28, 2021 (Doc. #50) follows:

1.

The current deadline for the Defendants and Counter-Claimant (“Movants”) to submit their expert reports is today, September 3, 2021.

2.

Movants retained Louisiana Legal Ethics, LLC, and its principal, Professor Dane Ciolino (“Ciolino”) to render an expert report in response to the reports prepared by Leslie Schiff, Esq. (see

Doc. #53) on the issue of attorneys' fees in connection with the Plaintiff's claims in this case. At the time of retention, Ciolino was made aware of the Movants' deadline to submit expert reports, and stated that he could meet the deadline.

3.

Ciolino lives in Metairie, Louisiana and works in New Orleans, Louisiana.

4.

On August 28, 2021 and thereafter, southeast Louisiana was severely impacted by Hurricane Ida. Ciolino did not evacuate his home in Metairie prior to the storm, but has since had to evacuate to Florida temporarily. This has unfortunately delayed the finalization of his expert report for this case.

5.

The Movants and the Plaintiffs have agreed to extend the Movants' expert report deadline to **September 10, 2021**.

6.

Pursuant to Federal Rule of Civil Procedure 6(b), Movants move to extend their expert report deadline to **September 10, 2021**.

7.

A bench trial is set in this matter for March 7, 2022. *See* Doc. #23.

8.

Pursuant to Local Rule 7.4.1, undersigned counsel certifies that Plaintiff's counsel has been contacted regarding this motion, and has indicated Plaintiff does not oppose the relief requested in this motion.

9.

Further pursuant to Local Rule 7.4.1, this motion does not require a supporting memorandum.

WHEREFORE, Defendants and Counter-claimant pray that after due consideration, the Court enter and order in consonance with these pleadings.

Respectfully submitted,

**GOLD, WEEMS, BRUSER, SUES & RUNDELL**

By: /s/ Bradley L. Drell

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**ATTORNEYS FOR DEFENDANTS AND COUNTER-CLAIMANT**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> day of September, 2021, the foregoing motion will be filed with the Clerk of Court using the CM/ECF system, and a copy of same will be electronically sent to all attorneys of record who receive notice by operation of the Court's CM/ECF system.

/s/ Bradley L. Drell

OF COUNSEL